

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

BARBARA KALANIKIEKIE KAAPUNI, et)	CIVIL NO. CV 04-00449 SOM LEK
al.,	(Non-Motor Vehicle Tort)
)	
Plaintiffs,	)
vs.	)
)	DECLARATION OF MOANA M. LUTEY
CARLTON HELM, et al.	)
)	
Defendants.	)
)	
)	
)	

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**DECLARATION OF MOANA M. LUTEY**

MOANA M. LUTEY, hereby declares as follows:

1. I am a Deputy Corporation Counsel who has represented County Defendants in the above-entitled action. I make this declaration based on my personal knowledge, except where facts are specifically stated to be premised upon information and belief.

2. On June 16, 2006, judgment was entered in favor of County Defendants and against Plaintiffs. A copy of the judgment is attached hereto as Exhibit "A."

3. On July 13, 2006, the Court granted County Defendants' Bill of Costs in the amount of \$8,337.45. A copy of the Bill of Costs is attached as Exhibit "B."

4. The Judgment has not been appealed, reversed, modified, or set aside, in whole or in part, and it remains in full force and effect.

5. The Judgment is unsatisfied and County Defendants are

still the owner and holder of the Judgment.

6. The Department of Police ("Garnishee") is in possession of \$5,085.00 confiscated during the execution of a search warrant at Plaintiffs' residence. A copy of the Maui County Police Department Property Report, which documents the \$5,085.00 confiscated by the police, is attached hereto as Exhibit "C."

7. This Ex Parte Motion for Issuance of Garnishee Summons After Judgment requests that a Garnishee Summons be directed to Garnishee.

I hereby declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge and belief.

DATED: Wailuku, Maui, Hawaii, July 28, 2006.

/s/ Moana M. Lutey  
MOANA M. LUTEY

